

FARSHIDE COMMUNICATIONS LLC
REQUEST FOR CONFIDENTIAL TREATMENT

Farside Communications LLC (“Applicant”), pursuant to 5 U.S.C. § 552 and 47 C.F.R. § 0.459, hereby requests that the Narrative Statement (the “Attachment”) associated with the attached Form 442 Experimental License modification application be treated as confidential and not subject to public inspection. The information contained in the Attachment constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm to Applicant. As demonstrated below, Applicant’s request satisfies the standards for grant of confidential treatment.

In accordance with 47 C.F.R. § 0.459(b), Applicant is providing the following information in support of this request for confidential treatment:

1. Identification of the specific information for which confidential treatment is sought:

Applicant seeks confidential treatment of the information contained in Attachment 1 (Narrative Statement) of ELS File No. 0048-EX-CM-2022.

2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:

Applicant is submitting this information in support of its application to modify its conventional experimental license (Call Sign WL2XFU) identified by ELS File No. No. 0048-EX-CM-2022.

3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret that is privileged:

The Attachment has significant commercial value, and the market trials described herein include trade secrets.¹ Specifically, Applicant’s market trials will be used to develop innovative services.

4. Explanation of the degree to which the information concerns a service that is subject to competition:

The services that are subject to this application have not yet been fully developed but are expected to lead to material developments in markets subject to competition.

5. Explanation of how disclosure of the information could result in substantial competitive harm:

¹ See *Public Citizen Health Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983) (defining a trade secret for purposes of the Freedom of Information Act as a “secret, commercially valuable . . . process or device that is used for the making . . . of trade commodities and that can be said to be the end product of either innovation or substantial effort.”); see also *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, 11 FCC Rcd 12406 ¶ 4 (1996).

The information contained in the Attachment is commercially sensitive. Public disclosure of the information would provide insight into Applicant's intended innovative services, which would potentially jeopardize the business plans and strategies of the Applicant. Public disclosure of the information contained in the Attachment would also diminish the value of the Applicant's efforts by unfairly enabling others to appropriate Applicant's efforts and develop similar services.

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure:

Applicant has taken steps to keep confidential the information contained in the Attachment, including limiting the number of people involved in the preparation of the application and/or requiring parties to execute non-disclosure agreements.

7. Identification of whether the information is available to the public and the extent of any previous disclosures of the information to third parties:

The information contained in the Attachment is not available to the public and has only been disclosed to third parties pursuant to non-disclosure agreements or under the Attorney-Client privilege.

8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure:

The information contained in the Attachment should be withheld from public inspection indefinitely in order to protect the evolving business plans and strategies of the Applicant.

9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted:

The public interest would not be served by making publicly available the information in the Attachment. Grant of the application would not result in harmful interference and accordingly, public review of the Attachment would be beneficial or necessary.